

REMARKS

Applicants' arguments as previously set forth in regard to the final rejections of record are clarified, as hereinafter pointed out with respect to claims 2-8. Claim 1 is to be cancelled, while claim 8 held to be directed to a separate invention is being retained without comment at this time. As to claims 2-7, claim 2 is now to be amended without substantive change so as to be recast in independent form in view of the proposed cancellation of its parent claim 1. For the same reason, the dependency of claim 6 is to be changed to independent claim 2. Accordingly, entry of the amendments to the claims, as now proposed, is expected since no new claims or issue are to be introduced. Also, in view of the cancellation of claim 1, the final rejections under 35 U.S.C. 112 are removed as an issue, since such rejections under 35 U.S.C. 112 were not applied to claims

2-7.

In regard to the final rejection of claim 2 under 35 U.S.C. 102 over the Funatsu patent, the present invention not only differs from the processing arrangement disclosed in the Funatsu patent as previously pointed out, but also fails to take into account a lack of disclosure in the Funatsu patent with respect to a drain to discharge the filtered fluid after being laterally withdrawn, as conjectured by the Examiner without prior art reference support. Thus, claim 2 specifies: "drain means--for discharging said cleansed portion of the contaminated laden fluid from the sealed chamber in response to filtration--". By reason of the latter quoted recitation of claim 2, claim 2 together with claims 3, 4 and 7 dependent therefrom are clearly not anticipated by the Funatsu et al. patent.

Also since claim 2 specifies: "--the sealed chamber through which the filtered fluid is laterally withdrawn--", it distinguishes over the disclosure in the Garcia et al. patent.

Since the Okumura patent was cited as a secondary prior art reference in regard to features of the present invention set forth in dependent claims 4-7, unrelated to the two aforementioned distinctions of parent claim 2 over the Funatsu and Garcera patents, the final rejection of dependent claims 4-7 under 35 U.S.C. 103 must also fall.

In view of the foregoing explanations as to why entry of the amendments now proposed is in order and how claims 2-7 patentably distinguish over the prior art references applied thereto, withdrawal of the final rejections under 35 U.S.C. 102 and 35 U.S.C. 103 is believed to be in order. The Examiner is therefore respectfully urged to indicate in advance of the appeal deadline date of March 2, 2003, an allowance of the application if prosecution is not be reopened.

Respectfully submitted,



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Navy Case No. 82,918

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

William M. Appleman, et al.

: Group Art Unit: 1723

Serial No. 09/879,870

: Examiner: Krishnan S. Menon

Filed: June 13, 2001

: CONFIRMATION NO. 4961

For: ARRANGEMENT AND CONSTRUCTION :
OF AN ELEMENT BUNDLING MODULE :
:

SECOND AMENDMENT UNDER RULE 116

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